

1888-023 Chancery Causes: George W. Huffman + wife vs. Philip W. Ball wife & Lee Co.

Caudille, Adams, Jones, Lathin, Vernillion, Nichols, Horne,
Hall, Baker, Orr

CA-Contract Dispute
T-Property
Health/Medicine

-Deed

To the Honorable S. S. Morrison, Judge
of the Circuit Court of Lee County Virginia.

Humbly complaining, your orator and
oratrix, George M. Huffman and Belina
Huffman his wife would respectfully
represent unto your honor, that Margaret
Adams, who was a sister of your oratrix
departed this life on the 24th day of Nov.
1887, in this county, intestate and unmar-
ried; that the said Margaret was, during
her lifetime, seized and possessed of certain
real estate lying and being in said county
and which descended to her from her father
William Adams dec'd. That she was at
the time of her death and for many years
prior thereto Non Compos mentis, so much
so, that she was not only incapable of
intelligent business transactions but was
incapable of taking care of her property or
providing for her own support and main-
tenance and was not capable of protecting
herself and her property from scheming traders
and ~~was wholly incapable of~~ ^{controlling in relation thereto} and intriguers. Being in this unfortunate
condition of mind and sorely afflicted
with a cancer on the hand, one Phillips
M. Ball, of said county, well apprised of her
mental condition and bodily affliction,
subtly, craftily and surreptitiously took

advantage of her imbecility and affliction
and procured, on the 10th day of April 1887,
the execution of a deed from her, for her
entire lands, to himself and Emaline R. Ball
his wife, in consideration, as set forth in said
deed, of \$1000 and the further consideration
that they were to support ~~and~~ take care of
and faithfully maintain
said Margaret during her natural life.

And the said Phillip M. Ball further
^{said Margaret} promised, to have the said cancer cured, though
this is not mentioned in the deed.

Your orator and oratrix will now further
show unto your honor that the lands thus
acquired by said Ball and wife, the use and
occupation of which they have had since the
procurement of said deed and which they
now have in possession, are reasonably
worth \$; that the said Ball and wife
wholly failed to comply with the conditions
and considerations mentioned in said deed.

But on the contrary your oratrix took care of
provided for, and nursed her said sister
during her last illness from May 16th to
Nov. 24th 1887, and then gave her a decent
burial at her own expense.

The said Margaret at the time of her
death, left the following persons her heirs at
law, being her brothers and sisters and

their descendants to wit; Minerva who married D.I. Vermillion Sr. both of whom are dead, leaving Wm Vermillion, Elizabeth Vermillion who married Walter Nichols, Mattie Vermillion who married Horne John Vermillion who is dead leaving a widow and heirs whose names are unknown, Susan Vermillion who married Hall, Georgie Ann Vermillion, Nannie Vermillion who married Baker and D.I. Vermillion Jr. - Elizabeth who married S. J. Candill; - Alexandria Adams; Catharine James; Martha who married Wm Latham, and your oratrix.

The object therefore of this bill is to set aside and annul the said deed from the said Margaret Adams to the ^{said} Ball and wife, a copy of which is herewith filed as part hereof marked "A." In consideration whereof your orator and oratrix pray that the said Phillip M. Ball and Emaline R Ball his wife Wm Vermillion, Walter Nichols and Elizabeth Nichols his wife, Horne and Mattie Horne his wife, The unknown widow and heirs of John Vermillion dec'd. Hall and Susan Hall his wife, Georgie Ann Vermillion,

Baker and Nannie Baker his wife, D.I. Vermillion Jr. S. J. Candill and Elizabeth

Landill his wife, Alexandria Adams,
Catherine James and Wm Latham and
Martha Latham his wife be made defend-
ants to this bill and required to answer the
same on oath; that proper process issue
and that order of publication be made
posted and published against all of said
defendants who are non residents of this
state, except Catherine James and Wm
Latham and wife; that upon a final hear-
ing a decree be rendered declaring the deed
aforesaid null and void, and for all other
further and general relief as the justice
and equity of the case demands.

And your orator and oratrix will ever
pray &c

Richmond & Or. for
Complainants.

Exp.
Q 7.68
S 2.50
Co Dr 5.00
C 75-
A 15.00
\$30.73

George M. Huffman
vs Bill in chey

P. M. Ball wife et al

1888 Feby Bill filed Sp
Executed & D. Nisi

H Mr. D. N. Coufob & Cause
set for hearing by Jff.
"Apr Dec 1888"

George M Huffman & Edina
Huffman his wife } Plffs.
against- } In chy.
Phillip M Ball & Emaline R Ball - Defts
- et als.

This cause came on to be heard upon the bill
and exhibit therewith, the process duly executed
on the home defendants, and the order of publi-
cation duly made posted and published, the
time required by law, against the nonresident
defendants, and was argued by Counsel.
On consideration whereof, and the defendants,
except - Phillip M Ball & Emaline R Ball his wife,
failing to appear, the bill is taken for confessed
against all of said defendants ^{failing to} ~~except the said~~
~~Ball & wife~~ ^{appear}. And by consent of the said Ball
& wife, it is adjudged, ordered and decreed
that the deed in the bill mentioned, executed
by Margret Adams deceased to the said
Phillip M Ball & Emeline R Ball and their
heirs, on the 10th day of April 1887, be and the
same is hereby set aside and declared null
and void; and it is ordered that this cause
be stricken from the docket, each party paying
their own costs. And a writ is awarded
the plaintiffs, ^{and} to the Sheriff of this County directed,
to cause them to have the possession of the
lands in said deed mentioned.

George M. Huffman & wife

vs. Decree Final

D. M. Ball & wife

Centred Chas.

O. B. page 140

Styatt C. C.

Enter this decree.

H. S. K. M.

Apr 7th 1888.

I do swear that Wm Vermillion, Walter
Nichols & Elizabeth Nichols his wife —
Horne & Marcha Horne his wife, The un-
known widow & heirs of John Vermillion
deceased, — Hall & Susan Hall his
wife, Georgie Ann Vermillion,
Baker & Nannie Baker his wife & D. J.
Candell & Elizabeth Candell his wife & Alexander Adams
Vermillion Jr., are nonresidents of the
State of Virginia, as I am informed
and believe. So help me God.

James W Orr.

Subscribed before me. January 6th 1888.
J. A. Hyatt

George M. Huffman
+ wife

vs } Affidavit

P. M. Ball + wife
- et als.

Filed Jan'y
6 7888.

J. A. Wyatto

This deed made this April 18th 1887 between Margret Adams of the first part, and Phillip M. Ball and Emeline R. Ball and their heirs of the second part all of the county of Lee and State of Virginia. Witnesseth that, the said Margret Adams has this day bargained and sold to the said Phillip M. Ball and Emeline R. Ball and their heirs; all her right, title interest and claim in a tract of land situated in the County and State aforesaid adjoining the lands of William Lathrum and others containing by estimation 77 acres be the same more or less the said Phillip M. Ball and Emeline R. Ball and their heirs binds themselves in this obligation for the care and faithful maintenance of the said Margret Adams during her natural ^{life} which sum or faithful performance shall be the consideration of this deed \$10.00 being heretofore ^{provided} by the said ~~Phillip~~ M. Ball the said tract or tracts of land being bounded as follows to wit:-

Beginning at a stake on a line between
the Killen and Adams land corner
to Martha Lathums land and
with said line west-wardly to a
stake corner to the old A. H. Milum
land with a Boundary of the ^{Survey} South-
wardly to a corner stone on the south
side of a road leading from White
shoals rob camp, thence Eastwardly
with a line between S. S. Parrott
and H. Adams ^{land} deceased to a
Chinquapin oak corner to Martha
Lathum land and with a line of the
same N 30 $\frac{1}{2}$ W 172 poles to the Beginning
also one half of an undivided inter-
est or tract of 8 acres in the same
County and state as aforesaid and
being bounded as follows to wit.

Beginning on a white oak and
Hickory a condition corner ^{between} Elisha
Adams and John Fulkerson and
with the course of said line S 26 E 63
poles to four post oaks thence S 7
W 128 poles to pointers thence N 68
W 80 poles to three white oaks on
the Bank of dry Branch in an old
line and with the same N 40 E 62
poles to the Beginning supposed to

contain 40 acres be the more or less
and the said Margaret Adams do
covenant with the said P. M. Ball
and heirs to ever warrant the title
to the above described tract or tracts
of land free from the claim of her-
self her heirs and all other persons
except a portion formerly deeded to
old man Wiorn it being a strip on
the west side of a road and ad-
joining the land of said Wiorn
also all other 10 acres sold to William
Kida is not to be included in this
conveyance witness the following
signature and seal.

Margaret ^{her} Adams ^{mark}

Virginia Lee County to wit:-
I William H. Speak a Notary
Public for the county aforesaid in
the state of Virginia do certify
that Margaret Adams whose name
is signed to the foregoing deed
being date April 17th 1887 has
acknowledged the same before
me in my court aforesaid given
under my hand this April 17th
1887 William H. Speak Notary
Public

Virginia Lee County Court Clerk's
office the 15th day of April 1887
The foregoing deed bearing date
April 10th 1887 between Margaret
Adams of one part, and Phillip
M. Ball and Emeline R. Ball of
his wife of the other part, all of
Lee County Virginia, was this
day filed in this office and
admitted to record upon the certificate
of W. H. Speak of Notary Public
for Lee County Virginia
Test John V. Gibson Clerk

P. M. Ball & wife

3 Copy of Deed
May 1/87

Margaret Adams

Recorded in Deed

Book 220 182-3.

J. R. Gibson Clerk

A

Fee for copy 75-

Huffman & wife vs P. M. Ball et als.

The object of this suit is to set aside & declare
void, a deed executed by Margaret Adams
deceased on the 19th day of April 1887. to the
defendants Phillip M. Ball & Emaline R. Ball
his wife,
(Get date of deed at Co. Ct. Clerk's
office.)

On.

Virginia:

In the clerk's office of the Circuit
Court for Lee County at the Court
House thereof on Monday the 9th January 1888.

George M. Huffman & wife,

Plffs.

vs

Phillip M. Ball & wife et al

Defts

} In Chancery

The object of this suit, is to set aside
& declare void, a deed executed by Margaret
Adams deceased on the 11th day of April
1887, to the defendants Phillip M. Ball &
Emaline R. Ball his wife.

And it appearing from an affidavit
filed in this cause that the Defendants
S. J. Candille & Elizabeth Candille his wife,
Alexander Adams, Wm. Vermillion, Walter Nichols
& Elizabeth Nichols his wife, — Horne & Martha
Horne his wife, The unknown widow & heirs
of John Vermillion dead, — Hall & Susan Hall
his wife, Georgie Ann Vermillion, — Baker &
Nannie Baker his wife and D. J. Vermillion Jr.
are now residents of this State: It is ^{therefore} ordered
that they appear here within one month
after due publication of this order and do
what may be necessary to protect their
interest in this suit.

A Copy

Richmond & Arr. P. Q.

Teste J. A. G. Hyatt C. C.

Geo. M. Huffman & wife

vs Order Book

Phillip M. Ball et al

I certify that I
delivered to the Va.
Sheriff an office copy
of this order for pub-
lication 9th Jan'y 1888
and posted a like
copy thereof on the
front door of Lee
Court House at
the February term
1888 of the County
Court.

J. A. Hyatt
cc

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

Phillip M. Ball & Equaline
Ball his wife, S. J. Caydille & Elizabeth
Caydille his wife Alexander Adams
Catharine James Wm Lathin & Martha Lathin
his wife, Wm Vermillion, Walter Nichols &
Elizabeth Nichols his wife — Horne & Martha
Horne his wife, The unknown widow & heirs of John
Vermillion dead — Hall & Susan Hall his wife
Georgie Ann Vermillion — Baker & Annie
Baker his wife and D. J. Vermillion Jr

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in *February* next, being rule day to answer a bill in Chancery exhibited in our said Court

against

them by *George M. Huffman*
and Selina Huffman his wife

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *10th* day of *January* 1888, in the 112th year of the Commonwealth.

A Copy Teste

J. A. G. Hyatt Clerk.

(O R + Q)

George M. Buffum

vs 3 Spain Chcy

D. M. Ball wife

Lo Febry Rules 1888.

Executed by delivering
office copies of this
Spa to D. M. Ball &
wife, Wm Latham &
wife and to Leatham
James, January
23rd 1888.

E. C. Henry D S

Virginia Lee County:

I Jeff L Duff, Editor and Publisher of the Virginia Herald, a weekly newspaper published in the town of Jonesville do certify that the annexed order of publication appeared four successive times in said paper, said publication ending February 23rd 1888.

Pub Geo

Jeff L Duff
Publisher.

VIRGINIA: In the clerk's office of the circuit court for Lee County at the court house thereof on Monday the 9th January 1888.

Geo. M. Huffinan & wife, Plft. }
vs. } In Chcy
Phillip M Ball & wife, et al Defts }

The object of this suit, is to set aside and declare void, a deed executed by Margret Adams deceased on the 11th day of April 1887, to the defendants Phillip M. Ball and Emaline R. Ball his wife.

And it appearing from an affidavit filed in this cause that the Defendants S. J. Caudille and Elizabeth Caudille his wife, Alexander Adams, Wm. Vermillion, Walter Nichols and Elizabeth Nichols his wife, —Horne and Martha Horne his wife. The unknown widow and heirs of John Vermillion deed, —

Hall and Susan Hall his wife, Georgie Ann Vermillion, —Baker & Nannie Baker his wife and D. I. Vermillion Jr. are non residents of this State: It is therefore ordered that they appear here within one month after due publication of this order and do what may be necessary to protect their interest in this suit.

A copy Teste.

J. A. G. Hyatt C. C.

Richmond & Orr, p. 9.

Geo. M. Hoffman Mgr
U.S.

Phillip M. Ballou Jr.

Publisher's Certificate

Printer's fee \$5.00